REMARKS/ARGUMENTS

Applicants have studied the Office Action dated September 29, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-2, 4-14, 16-26, 28-38, 40-53, 55-67, and 69-70 are pending. Claims 3, 15, 27, 39, 54, and 68 have been cancelled without prejudice or disclaimer. Claims 1, 5, 13, 17, 25, 29, 37, 41, 43, 50-52, 55-56, and 65-67 are amended. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

(2-5)   rejected claims 1, 13, 25, and 67 under 35 U.S.C. § 112, first paragraph as containing subject matter not described in the specification; and

(6-77) rejected claims 1-70 under 35 U.S.C. § 102(e) as being anticipated by Petrovykh (U.S. Pub. No. US 2002/055975 A1).

(2 – 5) Rejection under 35 U.S.C. §112

The Examiner rejected claims 1, 13, 25, and 67 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification.

Specifically, in item 3 of the Office Action, the Examiner rejected claims 1, 13, and 25 for containing the word "portability". Claims 1, 13, and 25 have been amended and the word "portability" has been removed. In view of the amendment to Claims 1, 13, and 25, Applicants submit that the rejection of Claims 1, 13, and 25 under 35 U.S.C. § 112, second paragraph, as discussed above, has been overcome. Applicants request that the Examiner withdraw the rejection of Claims 1, 13, and 25.

In item 4 of the Office Action, the Examiner rejected claim 67 for containing subject matter "the request" that was not properly described in the specification.

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Applicants submit that, contrary to the Examiner's conclusion, "a request" is well supported in the specification and the claims of the instant application. Narrative explanations and examples reciting "a request for" appear on pages 13, 16, 17, and 25 of the instant specification. For instance, the specification states:

> The client proceeds to submit **a request** for information via the bottom of the communications window. The client types the entry 608 "whois bluepages@us.ibm.com." The format of this **request** indicates that the client seeks information regarding the following entity: bluepages@us.ibm.com. This entity is the Bluepages bot. The Bluepages bot then proceeds to find information regarding itself in the Bluepages directory. Page 25. *See also* FIGs. 6-9.

Claim 67 recites, *inter alia*:

> ...
> receiving from an instant messaging application an instant message including **a request** for information
> ...
> translating **the request** for information in the instant message into a request for information compatible with the third party application...

Therefore, the use of "a request" and "the request" in claim 67 is completely consistent with the use of "a request" as used in the specification of the instant application. Applicants request that the Examiner withdraw the rejection of Claim 67.

(6-77) Rejection under 35 U.S.C. §102(e) Petrovykh

As noted above, the Examiner rejected claims 1-70 under 35 U.S.C. § 102(e) as being anticipated by Petrovykh (U.S. Pub. No. US 2002/055975 A1).

Before discussing the prior art in detail, Applicants believe that a brief review of the invention as claimed, would be helpful. Amended independent claims 1, 37, and 52 recite, *inter alia*:

> connecting with the interface;
> receiving a message from the at least one of the plurality of client messaging applications via the interface;
> **determining the destination of the message,** wherein the destination is a third party application;
> **selecting the third party application** determined to be the

destination of the message;

translating a calling convention of the message to a calling convention of the third party application determined to be the destination of the message; and

transmitting the message to the third party application determined to be the destination of the message. (emphasis added)

The present invention is a system and method for transmitting messages from a client messaging application to a third party application. More specifically, as shown in FIG. 1, the present invention supports multiple clients, with each client having the ability to run a different type of client messaging application, such as ICQ, or AOL's IM. Page 2, para. 0038 of the instant application. The clients are connected through a network to third party applications, which are "any database system supporting the storage and retrieval of records." Page 3, para. 0046.

Botservers are provided between the clients and the third party applications. See FIG. 1. Botservers comprise the functionality of messaging server operations, message routing, message queuing, and bot operations. Page. 3, para. 0042 of the instant application. Importantly, an API is present on the Botserver and acts as a translator between Botserver basecode and a messaging application. Page 4, para. 0053. Because the API is present, any instant messaging software can be utilized by the client. *Id.* The API translates the calling convention of the instant messenger so that the Botserver basecode can understand it and then access the proper database for the proper records. *Id.* This is advantageous as it allows the Botserver base code and any messaging application to be independent of each other. Independent claims 13, 25, 50, 51, 65, and 66 have been amended to clarify

translating a calling convention of the message to a calling convention of the third party application <u>so as to provide a level of abstraction between the interface and the plurality of third party applications</u>

Support for this is found on page 4, para 0053 of the present invention, where the messaging API is a translator between Botserver based code 206 and messaging application, making them independent of each other. Continuing further on page 4,

para. 0054 discussed is the Bot API 208 which acts as a translator between the bot 210, making them independent of each other. No new matter has been added. Therefore, Botserver basecode does not need to be concerned with the individual implementations of the messaging applications. Page 4, paras. 00053, 0054, and 0057.

Petrovykh discloses an interface that enables users to browse agent-availability statistics before initiating any type of contact with a communication center 21. Petrovykh, page 7, para. 0077. In the event that a response message or downloaded interface reveals an available customer service agent, the user can initiate contact with that agent using provided contact links or information. *Id.*

FIG. 1 of Petrovykh shows a user 9 connected to the communication center 21 via a web server 15. The communication center 21 includes a status server 49 that monitors a plurality of agent workstations 27, 29, 31. Petrovykh, page 6, para. 70.

When a client enters information, such as "a product description, profile information, or a purpose for the desired contact with [the] communication center," into a "Web form," the request for information is routed to the communication center's status server 49. Petrovykh, page 7, col. 0073. The status server answers back to the client with information pertaining to the availability of one or more of the agents. Petrovykh, page 6, col. 0070.

Therefore, Petrovykh does not "determin[e] the destination of the message, wherein the destination is a third party application," because the calling center *is* the destination in Petrovykh. It also follows, that there is no "selecting the third party application determined to be the destination of the message" in Petrovykh. Additionally, since the calling center 21 is the destination, there is no need in Petrovykh to "transmit the message to the third party application determined to be the destination of the message". Finally, the present invention is operable with any instant messaging application by "translating a calling convention of the message to a calling convention of

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the third party application determined to be the destination of the message," which is not at all present or needed in Petrovykh.

Independent claims 13, 25, 37, 50, 51, 52, 65, 66, and 67 contain limitations similar to independent claim 1 and distinguish over Petrovykh for the same reason as does independent claim 1.

The Examiner cites 35 U.S.C. § 102(b) and a proper rejection requires that a <u>single reference teach</u> (i.e., identically describe) each and every element of the rejected claims as being anticipated by Petrovykh.[1] Because the elements in independent claims 1, 8, and 11 of the instant application are <u>not</u> taught or disclosed by Petrovykh, the apparatus of Petrovykh does not anticipate the present invention. The dependent claims are believed to be patentable as well because they all are ultimately dependent on either claim 13, 25, 37, 50, 51, 52, 65, 66, and 67. Accordingly, the present invention distinguishes over Petrovykh for at least this reason. The Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. § 102(b) has been overcome.

CONCLUSION

In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance

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[1] See MPEP §2131 (Emphasis Added) "A claim is anticipated only if <u>each and every element</u> as set forth in the claim is found, either expressly or inherently described, in a <u>single</u> prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

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with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

Petition for extension is herewith made. The extension fee for response within a period of 1 month pursuant to Section 1.136(a) in the amount of $110.00 in accordance with Section 1.17 is enclosed herewith.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: January 12, 2006

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